

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland Avenue  
<http://www.montgomerycountymd.gov/boa/>  
(240) 777-6600

**Case No. S-862-C**

**PETITION OF FEDERATION OF AMERICAN SOCIETIES  
FOR EXPERIMENTAL BIOLOGY**

RESOLUTION TO REFER MAJOR MODIFICATION  
TO THE HEARING EXAMINER TO CONDUCT A PUBLIC HEARING AND FOR THE  
ISSUANCE OF A REPORT AND RECOMMENDATION

(Resolution Adopted April 18, 2018)  
(Effective Date of Resolution: April 20, 2018)

The Board of Appeals granted Case No. S-862 to the Federation of American Societies for Experimental Biology on March 30, 1983, to permit the extension of an existing private educational institution use. In addition to other lesser modifications, effective December 28, 2001, in Case Nos. S-862-A and A-5599, the Board granted a major modification of this private educational institution use and related variances, and effective May 20, 2005, in Case Nos. S-862-B and A-6008, the Board granted a second major modification of this special exception, with related variances.

The subject property is located at 9650 Rockville Pike, Bethesda, Maryland, 20814, in the R-60 Zone.

The Board of Appeals has received a letter, dated March 20, 2018, from Jody S. Kline, Esquire, on behalf of his client, Rochambeau, the French International School of D.C., submitting an application for the transfer and major modification of this special exception. Mr. Kline correctly notes in his letter that under the Board's standard procedures for designating cases, this transfer and modification would be Board of Appeals' Case No. S-862-C.

Because Case No. S-862 [S-862-A and S-862-B] was approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. Section 59-G-1.3(c)(2) of the Montgomery County Zoning Ordinance (2004) provides that the Board "must convene a public hearing" to consider a proposed major modification, and that the request is subject to the requirements of Sections 59-A-4.2 and 59-A-4.4 of that Ordinance, which pertain to filing and scheduling requirements. Section 59-A-4.125(a) of that Ordinance states that:

(a) The Hearing Examiner's Office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the County Board of Appeals on the following matters:

- (1) any petition for a special exception; and
- (2) upon request of the Board and with approval of 3 of its members, any other matter pending before the Board.

The Board of Appeals considered Mr. Kline's letter at its Worksession on April 18, 2018, and voted to refer this transfer and major modification request to the Office of Zoning and Administrative Hearings for a public hearing and the issuance of a report and recommendation, in accordance with Section 59-A-4.125(a) of the Zoning Ordinance (2014).<sup>1</sup> Accordingly, on a motion by John H. Pentecost, Chair, seconded by Stanley B. Boyd, with Edwin S. Rosado, Vice Chair, Bruce Goldensohn, and Katherine Freeman in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that, pursuant to the authority granted in Section 59-A-4.125 of the Montgomery County Zoning Ordinance (2004), the Board refers the above-described transfer and major modification to the Hearing Examiner for Montgomery County to schedule and conduct a public hearing, and for the issuance of a written report and recommendation to the Board of Appeals.

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John H. Pentecost, Chair  
Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 20th day of April, 2018.

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Barbara Jay  
Executive Director

**NOTE:** Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

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<sup>1</sup> The Board notes that similar authority exists under Section 59-7.6.2.B.2 of the current Zoning Ordinance, which states in relevant part that "The Hearing Examiner may schedule and conduct a hearing or write a report and recommendation for any other matter pending before the Board of Appeals upon request of the Board of Appeals and with approval of 3 of its members."